



PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

6

Application Number

10/538,544 ✓

Filing Date

June 10, 2005

First Named Inventor

Thomas EHRHARDT

Art Unit

1616

Examiner Name

Unassigned

Attorney Docket Number

BAS.F.10040

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks

The Director is hereby authorized to charge any appropriate fees that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-3218. This paper is submitted in duplicate.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Hutchison & Mason PLLC		
Signature			
Printed name	Christopher J. Knors		
Date	01/03/2006	Reg. No.	45,569

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Jennie P. Snead	Date	01/03/2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Patent  
Attorney Docket No. BASF.10040

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Thomas EHRHARDT et al.

Application No.: 10/538,544

Group Art Unit: 1616

International Application No. PCT/EP2003/014379

Filing Date or 371(c) : June 10, 2005

Examiner: Unassigned

Title: Malate Dehydrogenase as Target for Herbicides

Confirmation No.: 5422

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure as set forth in 37 C.F.R. § 1.56, Applicants hereby submit the following information in conformance with 37 C.F.R. §§ 1.97 and 1.98.

A copy of each of the documents cited and required by 37 C.F.R. § 1.98 is enclosed.

Some of the listed documents were cited in the International Search Report from the corresponding International application, a copy of which is enclosed. A copy of the English translation of International Preliminary Examination Report is also enclosed.

To assist the Examiner, the documents are listed on the attached form PTO/SB/08. It is respectfully requested that an Examiner initialed copy of this form be returned to the undersigned.


The cited documents are being submitted within three (3) months of the filing or entry of the national stage of this application or before the first Office Action on the merits, whichever is later. Since these documents are being filed within the time period set forth in 37 C.F.R. § 1.97(b), no fee or statement is required.

**The Director is hereby authorized to charge any appropriate fees that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-3218.**

Respectfully submitted,

HUTCHISON & MASON PLLC

Date: 12/30/05

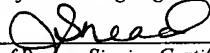
By:   
Christopher J. Knors  
Registration No. 45,569

P.O. Box 31686  
Raleigh, NC 27612  
+1.919.829.9600

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on 01/03/2006

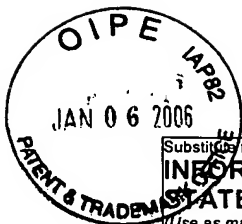
Jennie Snead

(Typed Name of Person Signing Certificate)



(Signature of Person Signing Certificate)

Date of Signing: 01/03/2006



Substitute for form 1449A/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known

Application Number	10/538,544
Filing or 371(c) date	June 10, 2005
First Named Inventor	EHRHARDT, Thomas
Group Art Unit	1616
Examiner Name	Unknown

Sheet 1 of 2

Attorney Docket No: BASF.10040

## US PATENT DOCUMENTS

Examiner Initial *	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document
	5 187 071	02-16-1993	Fischer et al.

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Foreign Document No	Publication Date	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Abstract, Translation, English Language Equivalent or Search Report
	WO 98/33925	08-06-1998		
	WO 00/77185	12-21-2000		

## OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS

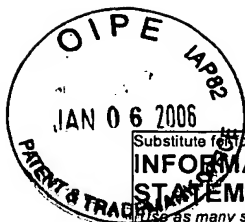
Examiner Initials*	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Abstract, Translation, English Language Equivalent or Search Report
	International Search Report for PCT/EP2003/014379	
	International Preliminary Examination Report for PCT/EP2003/014379	English Translation provided
	The Arabidopsis Genome Initiative, "Analysis of the genome sequence of flowering plant Arabidopsis thaliana", Nature, 2000, pp. 796-815, vol. 408.	
	BOUCHE, Nicolas et al., "Arabidopsis gene knockout-phenotypes wanted", Current Opinion in Plant Biology, 2001, pp. 111-117, vol. 4, no. 2.	
	FASKE, Maria et al., "Transgenic tobacco plants expressing pea chloroplast Nmdh cDNA in sense and antisense orientation. Effects on NADP-malate dehydrogenase level, stability of transformants and plant growth", Plant Physiology, 1997, pp. 705-715, vol. 115.	
	GIETL, C., "Glyoxysomal malate dehydrogenase from watermelon is synthesized with an amino-terminal transit peptide", Proceedings of the National Academy of Sciences of the United States of America, 1990, pp. 5773-5777, vol. 87. (including P19446 Swiss-Prot)	Sequence included

EXAMINER

DATE CONSIDERED

Substitute Disclosure Statement Form (PTO-1449)

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. † Applicant's unique citation designation number (optional) ‡ Applicant is to place a check mark here if English language Translation is attached



Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**  
(Use as many sheets as necessary)

*Complete if Known*

Application Number	10/538,544
Filing or 371(c) date	June 10, 2005
First Named Inventor	EHRHARDT, Thomas
Group Art Unit	1616
Examiner Name	Unknown

Sheet 2 of 2

Attorney Docket No: BASF.10040

	GOODMAN, M.M. et al., "Malate dehydrogenase viability of cytosolic nulls and lethality of mitochondrial nulls in maize", Proceeding of the National Academy of Sciences of the United States of America, 1981, pp. 1783-1785, vol. 78, no. 3.	
	KATO, Akira et al., "Glyoxysomal malate dehydrogenase in pumpkin: cloning of a cDNA and functional analysis of its presequence", Plant and Cell Physiology, 1998, pp. 186-195, vol. 39, no. 2.	
	KIM, Dae-Jae et al., "Expression of a single gene encoding microbody NAD-malate dehydrogenase during glyoxysome and peroxisome development in cucumber", Plant Molecular Biology, 1994, pp. 1833-1841, vol. 26. (including Gen Bank Accession No. L31900)	Sequence Included
	Gen Bank Accession No. L01628 From: Guex, N. et al., "Glyoxysomal malate dehydrogenase and malate synthase from soybean cotyledons (Glycine max L.): enzyme association, antibody production and cDNA cloning", Planta, 1995, pp. 369-375, vol. 197 no. 2.	Abstract and sequence only
	Gen Bank Accession No. D85763 From: Kaminaka, H., "Molecular cloning and characterization of a cDNA (accession No. D85763) encoding glyoxysomal malate dehydrogenase from rice (Oryza sativa L.)" Plant, 1998, pp. 329, vol. 118.	Abstract and sequence only
	BT003009 Arabidopsis thaliana Ara MDH At2g22780	Abstract and Sequence only

EXAMINER

DATE CONSIDERED

Substitute Disclosure Statement Form (PTO-1449)

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional) 2 Applicant is to place a check mark here if English language Translation is attached